

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Harold Rodriguez	Team: Squad #3	CCRB Case #: 201406717	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 07/03/2014 6:30 PM	Location of Incident: 56th Street and 9th Avenue	Precinct: 18	18 Mo. SOL 1/3/2016	EO SOL 1/3/2016	
Date/Time CV Reported Thu, 07/03/2014 6:47 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 07/03/2014 6:47 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Gregory Gianacopulos	00711	949021	HWY DST
2. LT Richard Khalaf	00000	906567	MTN PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Gregory Gianacopulos	Discourtesy: PO Gregory Gianacopulos spoke rudely to § 87(2)(b)	
B.POM Gregory Gianacopulos	Discourtesy: PO Gregory Gianacopulos acted rudely toward § 87(2)(b)	
C.POM Gregory Gianacopulos	Abuse: PO Gregory Gianacopulos threatened to issue summons to § 87(2)(b)	
D.LT Richard Khalaf	Abuse: Lt. Richard Khalaf threatened to arrest § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

### Case Summary

On July 3, 2014, at approximately 6:30 p.m., § 87(2)(b) who is a taxi cab driver, was driving in the vicinity of West 56<sup>th</sup> Street and 9<sup>th</sup> Avenue in Manhattan when he stopped to pick up a passenger. PO Gregory Gianacopulos and Lieutenant Richard Khalaf, who were driving directly behind § 87(2)(b) stopped him and approached his vehicle. PO Gianacopulos allegedly said to § 87(2)(b) “Fucking cab drivers don’t know how to drive.” (**Allegation A**) Afterwards, PO Gianacopulos requested § 87(2)(b) s driver’s license and registration, which he provided to him. PO Gianacopulos issued a summons to § 87(2)(b) for blocking vehicular traffic. After writing the summons, PO Gianacopulos allegedly threw the summons, § 87(2)(b) s driver’s license and registration into § 87(2)(b) s vehicle (**Allegation B**). The documents landed at § 87(2)(b) s feet. § 87(2)(b) verbally protested PO Gianacopulos’ actions, informing him that he felt disrespected when he threw the documents into his vehicle, at which time PO Gianacopulos allegedly threatened to issue him two additional summonses (**Allegation C**). § 87(2)(b) then complained to Lieutenant Khalaf of PO Gianacopulos’ behavior, at which time Lieutenant Khalaf allegedly threatened to arrest him (**Allegation D**). Afterwards, PO Gianacopulos and Lieutenant Khalaf left the location (complaint encl. 6B-C and CCRB statement encl.7C-E). § 87(2)(g), § 87(4-b)

### Audio Recording

§ 87(2)(b) provided a copy of an audio recording, which he captured on his cell phone during this incident (Encl. 7A). Details of the recording are listed below.

- From 00:00 to 01:52, no dialogue is heard.
- From 01:52 to 03:53, PO Gianacopulos and Lieutenant Khalaf are heard speaking with § 87(2)(b). Below is the transcription of their conversation.

- § 87(2)(b) “I cannot do nothing. I said try to back it up. Look, I tried to back it up. You’re behind me.”
- PO Gianacopulos: “(inaudible)...Well first off, first off, if you can't pick her up then guess what? You're shit out of luck and you don't just stop in the middle of the street to pick somebody up. Have a little consideration (inaudible)...I don't want to hear this cabbie bullshit (inaudible).”
- § 87(2)(b) “Look, you're going to give me the ticket, right? So just give me the ticket.”
- PO Gianacopulos: “You want three more? How about I give you like two more goddamn tickets?”
- § 87(2)(b) “You cannot give me more tickets.”
- PO Gianacopulos: “You want to bet? You want to bet? Really.”
- § 87(2)(b) “Yes. Yes sir. I don't care. I don't want to bet with you.”
- PO Gianacopulos: “That obstructing your view right there on your meter? You want to go that route? You want to go there?”
- § 87(2)(b) “I don't care. You giving me four more tickets, so what? Don't throw like that, okay sir? You have to have courtesy. Look, you can’t throw my things like that! I'm going to see you in court! Look officer, he don't respect me, he threw my thing out.”
- Lieutenant Khalaf: “You want to go to jail right now for being disorderly?”
- § 87(2)(b) “Yeah I know, you can throw me into jail too.”
- Lieutenant Khalaf: “It’s very simple.”
- § 87(2)(b) “Right, because I'm a taxi driver that's why you can put me in jail.”
- PO Gianacopulos: “Drive away. Drive away. One, two, bye.”
- § 87(2)(b) “Goodbye. I'll see you in court.”

### Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation § 87(2)(b). § 87(2)(b) had not filed a notice of claim with New York City and the time to do so has expired. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(g)]

### Civilian and Officer CCRB Histories

- § 87(2)(b) has not filed a CCRB complaint prior to this incident (encl. 5A).
- Lieutenant Khalaf has been a member of the NYPD for 20 years and there are no substantiated CCRB allegations against him (encl. 4B).
- PO Gianacopulos has been a member of the NYPD for 4 years and there are no substantiated CCRB allegations against him (encl. 4A).

### Finding and Recommendations

#### Explanation of Subject Officer Identification

PO Gianacopulos and Lieutenant Khalaf acknowledged interacting with § 87(2)(b) As § 87(2)(b)

**Allegation A – Discourtesy: PO Gregory Gianacopulos spoke rudely to § 87(2)(b)**

**Allegation B – Discourtesy: PO Gregory Gianacopulos acted rudely toward § 87(2)(b)**

**Allegation C – Abuse of Authority: PO Gregory Gianacopulos threatened to issue summonses to § 87(2)(b)**

**Allegation D – Abuse of Authority: Lieutenant Richard Khalaf threatened to arrest § 87(2)(b)**

§ 87(2)(b) alleged that PO Gianacopulos said, “Fucking cab drivers don’t know how to drive.” § 87(2)(b) also alleged that PO Gianacopulos threw the summons and documents at him, instead of handing them to him. § 87(2)(b) alleged that PO Gianacopulos threatened to issue additional summonses to him when he verbally protested his actions. Additionally, § 87(2)(b) alleged that Lieutenant Khalaf threatened to arrest him when he complained to him of PO Gianacopulos’ actions.

PO Gianacopulos denied using profanity while speaking with § 87(2)(b) and could not recall if he threw the summons and documents into § 87(2)(b)’s vehicle. He did acknowledge threatening to issue § 87(2)(b) additional summonses for improper pick up because he was several feet away from the curb and another for creating a hazardous condition because § 87(2)(b) had stopped abruptly, nearly causing a three car accident. He stated that Lt. Khalaf likely threatened to arrest § 87(2)(b) and that he himself threatened to arrest § 87(2)(b) but did not recall the exact reason why.

Lt. Khalaf could not recall if he or PO Gianacopulos cursed at § 87(2)(b) if he threatened to arrest him, or if PO Gianacopulos threatened § 87(2)(b) with more summonses. He did not recall the incident with § 87(2)(b) at all.

PO Gianacopulos and Lt. Khalaf both listened to the audio recording provided by § 87(2)(b) during their CCRB interviews. PO Gianacopulos can be heard cursing at § 87(2)(b) and threatening him with more summonses. Lt. Khalaf threatened to arrest § 87(2)(b) and PO Gianacopulos stated that it was Lt. Khalaf’s voice.

NYPD Patrol Guide Procedure 203-09 states that an officer must be courteous and respectful while on duty (Encl. 3A). In Police Department v. Seligson, OATH Index No. 1621-00 (2000), an officer’s threat of arrest was deemed an abuse of authority because there was no reasonable basis for an arrest and the threat was based on personal pique (Encl. 2A-Q).

When the recording was played for PO Gianacopulos, he recognized his own voice as the officer who said “You’re shit out of luck.” And “I don’t want to hear this cabbie bullshit.” He also acknowledges being the officer who made the threat of two more tickets. He stated that the recording refreshed his memory and he had not recalled using profanity but acknowledged using it after reviewing the recording. He did not recognize the second officer in the recording. Lt. Khalaf stated that the officer using profanities and the threat of summonses was PO Gianacopulos but denied that there was a second officer in the recording.

Although PO Gianacopulos did not recall using profanity, he acknowledged it when presented with the audio of him cursing at § 87(2)(b) § 87(2)(g)

§ 87(2)(b) told PO Gianacopulos to give him the ticket and PO Gianacopulos replies by threatening to issue him two more tickets. He proceeded to list possible things for which he can give him tickets. § 87(2)(b) also stated that PO Gianacopulos threw the summons and his documents into the vehicle and at his feet. PO Gianacopulos denied throwing the summons and documents into the cab, but in the recording § 87(2)(b) can be heard complaining various times that PO Gianacopulos threw his “things” at him and PO Gianacopulos did not respond, deny or acknowledge the claim. § 87(2)(g)

§ 87(2)(b) then stated in his interview that he exited his vehicle and went to Lt. Khalaf to report PO Gianacopulos’ behavior, which was met with a threat of arrest for being disorderly. PO Gianacopulos stated that he could not recall if the threat of arrest was because he got out of his car or because § 87(2)(b) did not provide his documentation in a timely manner. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

Pod: \_\_\_\_\_

Investigator: _____	_____	<u>01/29/2015</u>
Signature	Print	Date

Supervisor: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date